

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JPMORGAN CHASE BANK, N.A.,

Plaintiff,

-against-

14-CV-6851 (RMB)

MARK L. FREYBERG, individually and
conducting business under the name of
THE FREYBERG LAW GROUP,

**NOTICE OF
CROSS-MOTION**

Defendant.
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COUNSELORS:

PLEASE TAKE NOTICE, that upon the annexed Affidavits of Mark L. Freyberg sworn to June 29, 2015 and of David S.J. Neufeld sworn to June 29, 2015, the exhibits annexed thereto, and the accompanying Memorandum of Law, Plaintiffs shall cross-move this Court pursuant to Federal Rule of Civil Procedure 56 for an Order granting Defendant summary judgment on its affirmative defense of equitable estoppel and counterclaims and for an Order:

- a. dismissing the Complaint in its entirety;
- b. entering judgment in favor of Defendant and against Plaintiff on his first counterclaim, in the amount of \$9,834.99, plus costs, disbursements and interest;
- c. entering judgment in favor of Defendant and against Plaintiff on his second counterclaim, in the amount of \$9,834.99, plus costs, disbursements and interest;
- d. entering judgment in favor of Defendant and against Plaintiff on his third counterclaim, in the amount of \$9,834.99, plus costs, disbursements, interest and additional statutory damages of \$1,000.00 and attorney's fees;


- e. entering judgment in favor of Defendant and against Plaintiff on his first counterclaim, in the amount of \$9,834.99, plus costs, disbursements and interest; and
- f. for such other and further relief in favor of Defendant as the Court deems just and equitable.

Dated: New York, New York
June 29, 2015

Yours, etc.,

NEUFELD & O'LEARY

By:


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